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Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Commissioner for Patents	Application Number	09/919,471
	Filing Date	July 27, 2001
	First Named Inventor	L. Land F. WILSON
	Art Unit	1617
	Examiner Name	San Ming R. HUI
	Attorney Docket Number	9050-0053

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check for \$0 <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <u>Request for Refund; Utility Application Transmittal filed on July 27, 2001; Fee Transmittal filed on July 27, 2001; and Assignment to VIVUS Inc. filed on July 27, 2001.</u>
Remarks:		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name (print/type)	Karen Canaan	Registration No. (Attorney/Agent)	42,382	Telephone	(650) 330-0900
Signature			Date	August 6, 2003	

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 6, 2003.

Name (print/type)	Margaret K. Surridge		
Signature		Date	August 6, 2003

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

<i>Application Number</i>	
<i>First Inventor</i>	Leland F. Wilson
<i>Title</i>	As-Needed Administration of Orally Active androgenic Agents to Enhance Female Sexual Desire and Responsiveness
<i>Attorney Docket Number</i>	9050-0053

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [*Total Pages 49 + Cover*] (*preferred arrangement set forth below*)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [*Total Sheets \_\_\_\_\_*]
5.  Oath or Declaration [*Total Pages 3*]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting Inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable*)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(If foreign priority is claimed)*
16.  Other: Blanket Petition

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-In-part (CIP)      of prior application No.: \_\_\_\_\_  
Prior application Information: Examiner: \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" ice under 37 CFR § 1.10 on the date indicated below and is addressed to the Commissioner for Patents, Washington, DC 20231.

"Express Mail" Mailing Label No.: EL 910 406 708 U.S.

Date of Deposit: July 27, 2001

Type/Printed Name of Person Mailing Paper or Fee: Sam Per

**Signature of Person Mailing Paper or Fee:**



(Modified) PTO/SB/05 (12/97)

## FEE TRANSMITTAL

*Note: Effective October 1, 1997.  
Patent fees are subject to annual revision.*

**TOTAL AMOUNT OF PAYMENT** \$981

**METHOD OF PAYMENT**  Cash  Check

Complete if Known	
<b>Application Number</b>	
<b>Filing Date</b>	Filed Herewith
<b>First Named Inventor</b>	Leland F. Wilson
<b>Group Art Unit</b>	Not Assigned Yet
<b>Examiner Name</b>	Not Assigned Yet
<b>Attorney Docket Number</b>	9050-0053

**METHOD OF PAYMENT (check one)**

1.  The commissioner is hereby authorized to charge any additional fees and credit any overpayments to:  
Deposit Account No.: 18-2680

**Deposit Account No.: 18-0580**

**Deposit Account Name: REED & ASSOCIATES**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17       Charge the Issue Fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance

2.  Payment Enclosed:  
 Check       Money Order       Other

## FEE CALCULATION

**1. FILING FEE**

Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Due
101	710	201	355	Utility filing fee	\$355
102	320	206	160	Design filing fee	
104	490	207	245	Plant filing fee	
109	710	208	355	Reissue filing fee	
110	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>\$355</b>

## **2. CLAIMS**

Total Claims	<u>54</u>	- 20 =	Extra	below	Fee Due
Independent			<u>34</u>	X	<u>0</u>
Claims	<u>10</u>	- 3 =	<u>7</u>	X	<u>40</u>
Multiple Dependent Claims			—	X	—
					<u>\$306</u>
					<u>\$280</u>

Large Entity Fee Code	Small Entity Fee Code		FEE DESCRIPTION
103	18	203	9 Claims in excess of 20
102	80	202	40 Independent Claims in excess of 3
104	270	204	135 Multiple Dependent Claim
109	80	209	40 Reissue independent claims over original patent
110	18	210	9 Reissue claims in excess of and over original patent
<b>SUBTOTAL (2)</b> <span style="float: right;">\$586</span>			

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Larg e Fee Code	Entit y Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Due
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840 *	113	1,840 *	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	455	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submissions of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	\$40
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	\$40

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** \$40

**SUBMITTED BY**

**Complete (if applicable)**

Typed or Printed Name	Diane E. Reed			Reg. Number	31,292
Signature	Diane E. Reed	Date	7/27/01	Deposit Account	18-0580



Attorney Docket No. 9050-0053

**18. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		23980		<input type="checkbox"/> Correspondence address below  (Insert Customer No. or Attach bar code label here)	
Name	Dianne E. Reed				
Address	REED & ASSOCIATES				
	800 Menlo Avenue, Suite 210				
City	Menlo Park	State	CA	Zip Code	94025
Country	USA	Telephone	(650) 330-0900	Fax	(650) 330-0980
Name (Print/Type)	Dianne E. Reed	Registration No. (Attorney/Agent)	31,292		
Signature	Dianne E. Reed		Date	7/27/01	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commission for Patents, Box Patent Application, Washington, DC 20231.

**CERTIFICATE OF MAILING OR TRANSMISSION**

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"Express Mail" Mailing Label No.		Date of Deposit	July 27, 2001
Name of Person Mailing Paper or Fee (Print/Type)	Sam Pen		
Signature	Sam Pen	Date	07-27-01

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Atty Dkt No. 9050-0053  
PATENT

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refund  
08-28-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Leland F. WILSON et al.

Confirmation No.: 3484

Serial No.: 09/919,471

Group Art Unit: 1617

Filing Date: July 27, 2001

Examiner: San Min R. HUI

Title: AS-NEEDED ADMINISTRATION OF ORALLY ACTIVE ANDROGENIC AGENTS TO  
ENHANCE FEMALE SEXUAL DESIRE AND RESPONSIVENESS

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

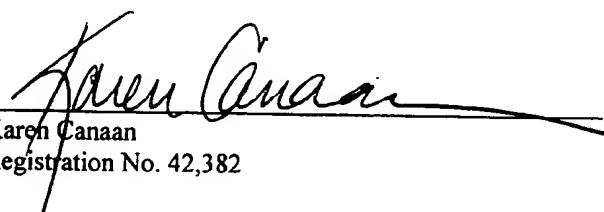
By way of this paper and the accompanying Utility Patent Application Transmittal and Fee Transmittal that were filed with the Office on July 27, 2001, applicants hereby request a refund on the \$410 large entity two-month extension of time fee charged to Deposit Account No. 18-0580 on July 14, 2003, pursuant to 37 CFR §§ 1.26(a) and 1.28(a). This application is entitled to small entity status, as stated on the enclosed Utility Patent Application Transmittal and Fee Transmittal. The error was made by applicants when the Amendment under 37 C.F.R. § 1.116 was fax-filed on July 14, 2003. The correct small entity two-month extension of time fee of \$205 should have been charged to the deposit account.

A copy of the assignment of the inventors to VIVUS Inc. filed with the United States Patent and Trademark Office on July 27, 2001 is also enclosed.

Please credit the \$205 refund to Deposit Account No. 18-0580.

Respectfully submitted,

By:

  
Karen Canaan  
Registration No. 42,382

REED & EBERLE LLP  
800 Menlo Avenue, Suite 210  
Menlo Park, California 94025  
(650) 330-0900 Telephone  
(650) 330-0980 Facsimile

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REFUND GRANTED  
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## ASSIGNMENT

JOINT

THIS ASSIGNMENT, by Leland F. Wilson and Peter Y. Tam (hereinafter referred to as the assignors), residing at Menlo Park, California, and Redwood City, California, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements described and claimed in an application for Letters Patent of the United States, entitled "AS-NEEDED ADMINISTRATION OF ORALLY ACTIVE ANDROGENIC AGENTS TO ENHANCE FEMALE SEXUAL DESIRE AND RESPONSIVENESS," having an oath or declaration executed on even date herewith; and

WHEREAS, VIVUS Inc. a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 1172 Castro St., Mountain View, California 94040 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said invention and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned invention, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and behoof and the use and behoof of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

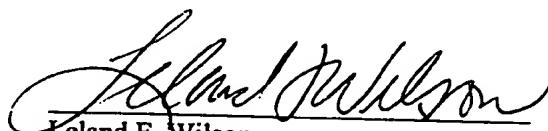
Atty Dkt No. 9050-0048

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said invention and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said invention, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said invention in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said invention, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said invention and the Letters Patent to be issued thereon for the sole use and behoof of said assignee, its successors, legal representatives and assigns.

Date: July 25, 2001

  
Leland F. Wilson

Date: July 25, 2001

  
Peter Y. Tam